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Attorney for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

CHIEN CHUNG CHEN,
a/k/a ANDREW CHEN,
Defendant.

CASE NO. CR 11-0166 RS

**STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE SENTENCING HEARING**

The defendant Chien Chung Chen, a/k/a Andrew Chen, was charged by Information on March 22, 2011 with one count of violation of the Sherman Antitrust Act, 15 U.S.C. § 1. Mr. Chen was charged for his participation in a price-fixing conspiracy involving aftermarket auto lights. The Honorable Richard Seeborg accepted Mr. Chen's guilty plea on June 7, 2011. Mr. Chen is currently scheduled to be sentenced on January 15, 2013.

Attorneys for the United States and for Mr. Chen have conferred and have agreed to continue Mr. Chen's sentencing hearing until February 5, 2013 at 2:30 pm. Under Mr. Chen's plea agreement, which is pursuant to Fed. R. Crim. P. 11(c)(1)(B), Mr. Chen is obligated to continue to cooperate with the government's ongoing investigation and prosecution relating to price-fixing in the aftermarket auto lights industry. Under Mr. Chen's plea agreement, the United States may move for a downward departure pursuant to U.S.S.G. § 5K1.1 if the United States determines that Mr. Chen has provided substantial assistance in any investigations or prosecutions.

1 Postponing Mr. Chen's sentencing hearing from January 15, 2013 to February 5, 2013, will
2 allow the parties to meet and confer concerning Mr. Chen's cooperation and substantial assistance;
3 will allow the United States to fully evaluate and advise the Court as to Mr. Chen's cooperation and
4 substantial assistance; and will allow counsel for Mr. Chen to advise the Court on an appropriate
5 sentence for Mr. Chen.

6 Pursuant to Crim. L.R. 32-2(a)(2) and (3), the parties have conferred with United States
7 Probation Officer Charlie Mabie, who is assigned to this case, and with Courtroom Deputy Corrine
8 Lew. Mr. Mabie agrees to this continuance and is available on February 5, 2013. Ms. Lew has
9 advised that February 5, 2013 is available on Judge Seeborg's calendar.

10
11 **SO STIPULATED.**

12 Dated: November 28, 2012

13
14 By: /s/ Douglas Fuchs
15 Douglas Fuchs
16 GIBSON, DUNN & CRUTCHER LLP
17 Attorney for Defendant

18 Dated: November 28, 2012

19 /s/ Jacklin Chou Lem
20 Jacklin Chou Lem
21 Howard J. Parker
22 May Lee Heye
23 Kelsey C. Linnett
24 Antitrust Division
25 U.S. Department of Justice
26 450 Golden Gate Avenue
27 Box 36046, Room 10-0101
28 San Francisco, CA 94102
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Attorneys for the United States

ATTORNEY ATTESTATION

Pursuant to General Order 45, I, Douglas Fuchs, hereby attest that concurrence in the filing of this document has been obtained from Jacklin Chou Lem.

DATED: November 28, 2012

By: /s/ Douglas Fuchs

Douglas Fuchs

1 **~~PROPOSED~~ ORDER**

2 For good cause shown, sentencing in the matter, *United States v. Chien Chung Chen a/k/a*
3 *Andrew Chen*, CR 11-166 RS, is continued to February 5, 2012 at 2:30 p.m.

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5 Dated: 11/29/12



6 Honorable Richard Seeborg
7 United States District Court Judge
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